

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

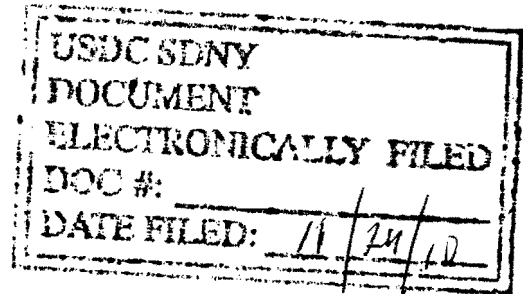
-----x  
GAETANO D'ATTORE,

Plaintiff,

-against-

CITY OF NEW YORK, et al.

Defendant.  
-----x



REPORT & RECOMMENDATION

10 Civ. 1782 (JSR) (MHD)

TO THE HONORABLE JED S. RAKOFF, U.S.D.J.:

As stated in his letter of November 16, 2010, plaintiff Gaetano D'Attore consents to the dismissal of defendant Spencer. We therefore respectfully recommend that defendant Spencer be dismissed from this action with prejudice.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable Paul A. Crotty, Room 735, 500 Pearl Street, New York, New York 10007, and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York 10007. Failure to file timely objections may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals.

See Thomas v. Arn, 474 U.S. 140, 150 (1985); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: New York, New York  
November 23, 2010

RESPECTFULLY SUBMITTED,



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MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Report and Recommendation have been mailed this date to:

Gaetano D'Attore  
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